In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 422/2001
(Old No. 1667/1990)

Smt. Kaushalya Devi W/o Balbir Singh

R/o village Haripur Hawan, P.S.Kaladhungi

District Nainital … …Revisionist.

Vs.

1. Inder Singh S/o Mangal Singh,
2. Rattan Singh,)
3. Bachan Singh,)- sons of Inder Singh.
4. Bagga Singh,)
5. Smt. Maya Bai W/o Inder Singh

All residents of village Dharipura Harsan

P.S. Kaladhungi, District Nainital … …Respondents.

Hon'ble Irshad Hussain, J.

None appear for the revisionist despite service. Heard Sri K.S.Rautela learned Brief Holder and perused the impugned judgment.

2- From perusal of the judgment it is evidence that the prosecution evidence was not found reliable on appreciation of the evidence. It has also been held that the F.I.R. was ante-timed and the injuries sustained by the deceased Balbir Singh were not explained by the eye witness Smt. Kaushalya Bai. It was also found that the independent witnesses of the occurrence were not produced and the witnesses examined were got-up witnesses. Considering this it is evidence that the judgment of acquittal is based on proper and fair appraisal of the evidence of the prosecution and the same can not be said to be perverse by any reasoning.

3- In view thereof the revision lack merit and is liable to be dismissed.

4- The revision is dismissed. Consign.

(Irshad Hussain, J.)

Dated: 05-05-2004
ISB